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ABSTRACT

This document spells out policy regarding sexual harassment in the Connecticut vocational-technical school system that was developed by the Connecticut State Department of Education, the Connecticut Division of Vocational, Technical, and Adult Education, and the Connecticut Women's Education and Legal Fund, Inc. The introduction calls sexual harassment a serious abuse of power expressed through sexual behavior and points out that to be considered sexual harassment, behavior must be both unwelcome and based on sex. The addresses of the Connecticut State Department of Education and the Office of Civil Rights at the U.S. Department of Education are listed as places to which readers can inquire about discrimination on the basis of race, sex, color, religion, age, physical disability, mental disorder, or national origin or ancestry. Next, sexual harassment is defined as "a form of illegal sex discrimination that refers to a wide range of inappropriate behaviors and/or unwanted conduct of a sexual nature, which has the net effect of denying the victim of the harassment the opportunity to work and/or study in a nonthreatening, stress-free environment." Examples of verbal, nonverbal, and physical sexual harassment are provided. The next section spells out procedures for dealing with suspected sexual harassment. The last section explains informal and formal grievance procedures. Appendix A suggests the following to prevent sexual harassment: (1) provide staff training about sexual harassment for all teachers, guidance counselors, administrators, and maintenance staff; (2) be sure there are properly trained Title IX Coordinators in every school; (3) post the policy, including a clear and simple definition of sexual harassment, throughout the school building; (4) raise the issue of sexual harassment with students and let them know it will not be tolerated; (5) create a simple complaint process; (6) distribute the complaint procedure; and (7) stop sexual harassment when it happens, using fair and appropriate procedures. (CML)

CONNECTICUT STATE DEPARTMENT OF EDUCATION
DIVISION OF VOCATIONAL, TECHNICAL AND ADULT EDUCATION
VOCATIONAL-TECHNICAL SCHOOL SYSTEM

MIDDLETOWN, CONNECTICUT

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SEXUAL HARRASMENT PROTOCOL

U.S. DEPARTMENT OF EDUCATION
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INTRODUCTION

This Protocol is the culmination of three years of work between the Connecticut State Department of Education, Division of Vocational, Technical and Adult Education and the Connecticut Women's Education and Legal Fund, Inc.

It reflects the Connecticut State Department of Education, Division of Vocational, Technical and Adult Education's firm commitment towards eliminating sexual harassment within the Vocational-Technical school system. Towards this end, it is supportive of, and fair to, both staff and student alike.

Sexual harassment is a serious abuse of power expressed through sexual behavior. Seen in this light, sexual harassment is somewhat similar to rape. In both instances, the victim may have feelings of guilt and shame for somehow having "caused" the behavior, as well as feelings of powerlessness and loss. In addition, the victim may also experience an assortment of physical ailments, such as insomnia, weight loss or gain and migraines.

When dealing with sexual harassment, it is important to remember that to be considered sexual harassment, the conduct must be unwelcome and based on sex.

The Connecticut Women's Education and Legal Fund, Inc., is a non-profit women's rights organization. CWEALF uses information, training and legal strategies to work for equality.

STATEMENT OF POLICY

It is the policy of the State of Connecticut, State Board of Education not to discriminate on the basis of race, sex, color, religion, age, physical disability, mental disorder, national origin or ancestry, in any of its education programs, activities, or employment policies. Inquiries may be made to the:

Connecticut State Department of Education
P.O. BOX 2219,
Hartford, Connecticut 06145

or

Office of Civil Rights
U. S. Department of Education, Room 222,
J. W. McCormack Post Office and Courthouse Building,
Post Office Square, Boston, MA 02109

1. DEFINITIONS

Sexual Harassment

Sexual harassment is a form of illegal sex discrimination which refers to a wide range of inappropriate behaviors and/or unwanted conduct of a sexual nature, which has the net effect of denying the victim of the harassment the opportunity to work and/or study in a non-threatening, stress-free environment. It is important to remember that to be considered sexual harassment, the conduct must be unwelcome and based on sex.

Examples of Sexual Harassment :

Verbal
Sexual propositions or demands
Sexual innuendo and insults
Humor and jokes about sex
Threats
Stereotypic comments based on gender or sexual identity

Non-Verbal
Whistling, leering, ogling
Suggestive or insulting sounds
Obscene gestures
Display of obscene material

Physical
Touching, pinching, patting
Physically threatening behavior
Coerced sexual conduct

2. PROCEDURES FOR DEALING WITH SUSPECTED SEXUAL HARASSMENT

A. The staff member who first becomes aware of alleged sexual harassment (verbal, non-verbal or physical) must report this to the School Director or the Student Assistance Team (S.A.T.) and encourage the alleged victim(s) to follow appropriate channels for resolving complaints.

B. Upon receipt of the verbal or written complaint, the S.A.T. shall ascertain the facts in an impartial manner.

C. The S.A.T. shall meet with the student and shall:

1. Provide accurate information on sexual harassment. Inform the complainant of his/her options and rights and define what their role can and cannot be.

2. Encourage the complainant to talk freely in relating the incident. Acknowledge that sexual harassment is often difficult to discuss, especially with a stranger. Emphasize that confidentiality will be maintained.

3. Be non-judgmental. Let him/her describe the situation and his/her feelings freely.

4. Remember that determining what conduct constitutes "sexual harassment" is very personal and subjective. What one individual finds objectionable may be insignificant to another and vice versa. To aid in evaluating the complaint you must determine:

   a. Was the conduct offensive?
   b. Was the conduct unwelcome?
   c. Was compliance with sexual demands a condition to instruction, better grades, promotion or other goals?
   d. Was the complaint sexual in nature?
   e. Did the conduct create an environment that was unpleasant, effecting the victim's academic or job performance?

5. Have the complainant write down, in detail, the sequence of events as he/she remembers it. Every incident should be documented and any witnesses should be noted. Ask whether others have had similar experiences with the same alledged harraser. If they have, they should be encouraged to come forward with complaints.

not suggest that it has not. Do not predict or guarantee success or failure in the outcome of the complaint.

7. Describe both the informal and formal grievance procedures as well as possible sources of emotional support.

8. Depending on the emotional symptoms or physical stress, be prepared to refer him/her to other professionals.

3. GRIEVANCE PROCEDURES

A. INFORMAL

Prior to filing a formal grievance the complainant may choose to seek resolution on an informal basis. Informal procedures are most appropriate in situations where miscommunication is occurring, or where one person's behavior is unintentionally causing harm to another. Informal procedures may also be used in situations where the complainant does not wish to pursue formal steps.

The immediate goal of an informal grievance procedure is to get the objectional behavior to stop, so that the victim can continue studying or working in an environment free from discrimination and its intimidating, stressful effects. In an informal grievance, the goal is not necessarily to punish the alleged harasser.

IN ORDER TO BE FAIR TO A VICTIM AND CARRY OUT YOUR PROFESSIONAL RESPONSIBLITIES, YOU MUST INFORM A VICTIM, IN ADVANCE, THAT IF THE CIIRCUMSTANCES ARE SERIOUS ENOUGH, YOU MAY HAVE TO INVESTIGATE THE COMPLAINT AND TAKE FORMAL ACTION WITH OR WITHOUT THe VICTIM'S CONSENT. WITH THIS INFORMATION, THE VICTIM CAN MAKE AN INFORMED DECISION TO SHARE HIS/HER STORY OR NOT.

1. The S.A.T. will meet with both the complainant and the alleged harasser in order to give both parties a chance to tell his/her story in a non-threatening environment.

2. Brief, written records of such informal complaints should be kept but, at the request of the complainant, they may be kept without names or identifying information, e.g. a memo which merely states the date, type of complaint received and the action taken.

3. The complainant may choose to confront the harasser directly or may choose to confront the harasser in writing, if he/she is reluctant to confront the harasser face-to-face. In

5. In some cases it may be appropriate for the S.A.T. to speak to the harasser on behalf of the complainant, or to serve as a mediator between them. This should never be attempted without the full knowledge and consent of the complainant.

6. If no resolution to the complaint can be reached at this level, the complainant may file a formal Title IX complaint.

PLEASE NOTE: The use of informal procedures is inappropriate in cases where serious misconduct has been alleged. Serious misconduct includes those behaviors which, by legal or professional standards, would prompt disciplinary actions such as suspension or termination.

B. FORMAL

1. Any student, parent/guardian, staff member or applicant to a program, who feels that he/she has been discriminated against on the basis of race, color, national origin (Title IV), sex (Title IX) or handicap (504), shall contact the designated compliance coordinator and file a formal complaint of discrimination within fifteen (15) days of the alleged incident. If the alleged discrimination was between a student and teacher, the deadline for filing a formal complaint is extended to no later than fifteen (15) days after the close of the school term.

The compliance coordinator shall maintain a written record, which shall contain the following:

a) full name and address of complainant;
b) full name and position of person(s) who allegedly discriminated against the complainant;
c) a concise statement of the facts constituting the alleged discrimination;
d) dates of the alleged discrimination.

2. At the time the discrimination complaint is filed, the compliance coordinator shall review and explain the grievance procedures with the complainant and answer any questions.

The compliance coordinator shall begin investigating the complaint as soon as practical, but in no case, more than ten (10) working days from the time the complaint was received. Within this time limit the compliance coordinator shall meet informally with the complainant and the individual(s) against whom the complaint was lodged, and shall provide confidential counseling where advisable and seek an informal agreement between the parties concerned. Every attempt shall be made to see a solution and resolve the alleged discrimination at this level.

3. If the complainant is not satisfied with these initial procedures, and within twenty (20) school days from the date of the original meeting with the compliance coordinator, more

formal procedures may be initiated by the complainant to further explore and resolve the problem internally.

4. The complainant may request, in writing, from the director of the school, a complete review by the school's grievance panel of the alleged discrimination . This panel shall be organized each year by the school director and shall be composed of two students appointed by the student council; two instructors selected by the staff; an assistant director and another designee appointed by the director. The appropriate assistant superintendent for operations will sit ex-officio on the panel.

5. The director shall inform all parties of the date, time and place of the scheduled grievance panel hearing and of their right to present witnesses and to retain legal counsel or other representation, if so desired. The compliance coordinator must provide assistance to the complainant in the understanding of the grievance appeal procedures to follow before the grievance panel.

The grievance panel shall hear and fully review the case within fifteen (15) school days from receipt of the written appeal from the complainant, and shall put its recommendations, in writing, to the director within five (5) school days of the hearing.

The director shall review the recommendations of the grievance panel, reach a decision regarding the case and communicate his/her decision, in writing , to the parties concerned and to the superintendent of the Vocational-Technical School system within five (5) school days upon receipt of the written report of the grievance panel.

6. If the complainant is not satisfied with the director's decision, and/or the implementation efforts of all parties concerned at the school level, he/she may submit a written appeal to the Superintendent of the Vocational-Technical School System within ten (10) school days of receipt of the director's response.

The superintendent, in conjuncture with the compliance coordinator(s) and/or officer(s) of the Vocational-Technical School System, shall act as a committee to review all aspects of the case and shall present its recommendations, in writing, to the complainant, the school director and the Division Director, Division of Vocational-Technical and Adult Education within ten (10) days of receipt of the complainant's written appeal.

7. If the complainant is not satisfied with the committee's decision, he/she may appeal, in writing, within fifteen (15) days, to the Division Director, Division of Vocational-Technical and Adult Education. The Division Director shall, within fifteen (15) school days of receipt of the complainant's appeal, either approve, disapprove or modify, in writing, the Superintendent's decision.

8. If the complainant is dissatisfied with the Division Director's decision, he/she may submit a written appeal to the Deputy Commissioner, Connecticut State Department of Education within fifteen (15) school days. The Deputy Commissioner shall, within five (5) school days of receipt of the complainant's appeal, in writing, either approve, disapprove or

modify the Division Director's recommendation.

9. If the complainant is dissatisfied with the Deputy Commissioner's recommendation, he/she may submit within fifteen (15) school days a written appeal to the Secretary of the State, Board of Education.

10. The Connecticut State Board of Education shall appoint a committee of three (3) members of the State Board to hear the appeal. The Secretary of the State Board shall, with at least five (5) days prior notice of the hearing, inform all parties involved of the date, time and place of the hearing, and of their right to present witnesses and to retain legal counsel or other representation, if desired. The committee shall hear all aspects of the appeal and reach a decision within forty-five (45) days of receipt of the written appeal. The committee's decision shall be presented, in writing, to the State Board of Education for action at its next regularly scheduled meeting. The Secretary of the State Board will inform the parties of the Board's action within five (5) school days of the Board's meeting.

Appendix A

PREVENTING SEXUAL HARASSMENT

The best way to stop sexual harassment is to prevent it. Preventive policies can save students, faculty and other staff the emotional anguish associated with sexual harassment and help them avoid costly and time-consuming legal problems. Below are some suggestions that institutions should implement in order to prevent sexual harassment:

1. *Staff Training* - Provide training about sexual harassment for all staff including teachers, guidance counselors, maintenance staff and administrators. For example, this training might consist of two introductory seminars, plus a yearly refresher course. These seminars should:

   a.) teach staff to examine their own attitudes, beliefs and behavior
   b.) review the relevant laws, including the legal sanctions, for discriminatory behavior.

2. *Title IX Coordinators-* Be sure there are properly trained Title IX Coordinators designated at every school.

3. *Post Your Anti-Discrimination Policy* - A clear and visible poster which states your commitment to provide an educational environment free of sex discrimination and sexual harassment should be posted prominently throughout the building. The poster should include a brief definition of sexual harassment for those unfamiliar with the term.

4. *Provide Information During Exploratories-* It is important to raise the issues of sexual harassment and discrimination early, and to make it clear to all students that such behavior will not be tolerated. Have a class presentation and discussion of this topic during the exploratory stage.

5. *Create a Simple Complaint Process-* The best way to avoid complicated legal problems and potential liability is to offer a direct and simple process by which students and staff can notify the appropriate person of a harassment problem. The worst problems are those that remain between the harasser and the victim.

6. *Distribute the Complaint Procedure* - Everyone should be aware of the existence of the grievance mechanism for sexual harassment complaints. This procedure should be printed both in the student handbook and the personnel manual. These booklets should be readily available.

7. *Stop Sexual Harassment When It Happens-* If a student or staff member is a victim or perpetrator of sexual harassment, take effective measures to stop it quickly. Use fair and appropriate procedures but do not ignore the problem.